

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**BrandSafway Services, LLC,**

Plaintiff,

v.

**Stonhard, a Division of Stoncor Group,  
Inc.,**

Defendant.

Case No. 3:23-cv-00184-YY

**ORDER**

Brandon James Smith and Kelsey Lynn Shewbert, HWS Law Group, 1500 Fourth Avenue, Suite 200, Seattle, WA 98101; Matthew Frederick, Holt Woods and Scisciani LLP, HWS Law Group, 101 SW Main Street, Suite 1605, Portland, OR 97204; Robert Parker, Chock Barhoum LLP, 121 SW Morrison Street, Suite 500, Portland, OR 97204. Attorneys for Plaintiff.

Jan D. Sokol, Sokol Larkin Wagner & Storti LLC, 4380 S. Macadam Avenue, Suite 530, Portland, OR 97239; George Pallas, Joseph Sine, and Kathleen Morley, Cohen Seglias Pallas Greenhall & Furman, 1600 Market Street, 32<sup>nd</sup> Floor, Philadelphia, PA 19103. Attorneys for Defendant.

**IMMERGUT, District Judge.**

On June 13, 2024, Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”), ECF 35, recommending that this Court grant Defendant’s Motion for Leave to Amend Answer and Assert a Counterclaim, ECF 27. No party filed objections. The Court ADOPTS Judge You’s F&R.

### **DISCUSSION**

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge You’s conclusions. The F&R, ECF 35, is adopted in full. Defendant’s Motion for Leave to Amend Answer and Assert a Counterclaim is GRANTED.

**IT IS SO ORDERED.**

DATED this 5th day of July, 2024.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge